

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Ian Baird Smith et al.

**Serial No.:** 09/445,043

**Filing Date:** March 20, 2000

**Title:** APPARATUS AND METHOD FOR  
CLOSING OFF THE OPEN END OF A  
CONTAINER WITH A REMOVABLE  
FLEXIBLE MEMBRANE COVERED  
BY A RIGID CAP

**Docket No:** 350013-000065

**Confirmation No.** 9395

**Group Art Unit:** 3781

**Examiner:** Robin Annette Hylton

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

On May 15, 2009 the Appeal Board issued an Order Returning Undocketed Appeal to Examiner stating, among other things, that the Examiner relied on a foreign reference for which no certified translation was made of record. In order to advance the Appeal process and assist the Office, Applicant submits herewith a certified copy of Japanese Patent Application No. (Kokai) No. Heisei 6-219464 to Hiroshi (a certified copy of Japanese Patent Appln. No. JP 62-122962 to Sekiguchi having been previously submitted on October 5, 2009.) Applicants respectfully request that the Examiner now forward the file to the Appeal Board.

Dated: November 13, 2009

Respectfully submitted,

**OPPENHEIMER, WOLFF & DONNELLY LLP**  
Attorneys for Applicant

By 

Barbara A. Wrigley, Reg. No. 34,950  
45 South Seventh Street, Suite 3300  
Minneapolis, MN 55402  
Telephone No.: (612) 607-7595  
Facsimile No.: (612) 607-7100  
E-Mail: BWrigley@Oppenheimer.com

Customer No. **34205**